

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANA TAMBERELLI,	:	CIVIL ACTION
Plaintiff,	:	
	:	No. 3:16-cv-01681-RDM
v.	:	
	:	
ALKERMES INC.,	:	
Defendant.	:	JURY TRIAL DEMANDED

**PLAINTIFF’S AMENDED MOTION FOR LEAVE TO FILE AN AMENDED
COMPLAINT AND JOIN ADDITIONAL PARTIES**

Plaintiff, Dana Tamberelli (hereinafter “Plaintiff”), by and through her undersigned counsel, respectfully requests that the Court grant her leave to file an Amended Complaint which will join additional parties. In support thereof, Plaintiff states:

1. Plaintiff employed by Defendant, Alkermes, Inc. (hereinafter “Alkermes”), from July 6, 2010 until June 10, 2015 as a Biotech Sales Representative.

2. After Plaintiff’s employment was terminated, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), which was jointly filed with the Pennsylvania Human Relations Commission (“PHRC”), against Alkermes alleging, *inter alia* gender and disability-based employment discrimination, and retaliation on September 24, 2015.

3. On May 17, 2016, a Notice of Right to Sue was issued by the EEOC.

4. This action was commenced in this Honorable Court on August 12, 2016, within 90 days of this Notice of Right to Sue.

5. Under the Pennsylvania Human Relations Act (“PHRA”), one year must pass between the date a complaint is filed with the PHRC before a party exhausts his or her administrative remedies and may proceed to commence litigation. 43 P.S. § 962.

6. Under the May 17, 2016 Notice of Right to Sue issued by the EEOC, Plaintiff could not have exhausted her PHRC administrative remedies within the 90 days allotted under said Notice to commence this action.

7. Plaintiff sufficiently exhausted her administrative remedies under the PHRA on September 25, 2016, after this litigation was commenced

8. On or about December 14, 2016, this Honorable Court issued a Scheduling Order which provided that Plaintiff had until December 30, 2016 to move to amend the Complaint and/or join additional parties.

9. As Plaintiff has now sufficiently exhausted her administrative remedies under the PHRA, Plaintiff seeks add claims under the PHRA for discrimination and retaliation against Alkermes and to join and bring claims for aiding and abetting discrimination and retaliation against Michael Bauer, Michael Brousseau, and Madeline Coffin.

10. As these PHRA claims against Alkermes and Michael Bauer, Michael Brousseau, and Madeline Coffin became ripe after Plaintiff was required to commence this action, Plaintiff believes that the interests of judicial economy warrant an Amended Complaint so that all claims can be litigated together, rather than require Plaintiff commence a second litigation in State Court on the PHRA claims.

11. As Plaintiff's PHRA claims mirror the previously plead ADA and Title VII claims and involve no additional or new factual allegations, Plaintiff's filing of an Amended Complaint would not prejudice any parties or cause undue delay to this litigation; in fact, with a fact discovery deadline of May 31, 2017, the parties would have sufficient time to complete discovery in the approximately 150 allotted in this matter.

12. At this time this Motion was filed, Defendant did not concur that Plaintiff may file an Amended Complaint in order to add claims under the Pennsylvania Human Relations Act and join Michael Bauer, Michael Brousseau, and Madeline Coffin as parties

WHEREFORE, for all the foregoing reasons, Plaintiff respectfully requests that this Court grant leave to file an Amended Complaint in the form attached hereto as Exhibit A.

Respectfully submitted,

HAHALIS & KOUNOUPIS, P.C.

By: /s/ George S. Kounoupis
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Date: January 5, 2017